IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 4425 of 2005

Between:

1 P.Shankar Naidu, S/o.Changalrayanaidu,
R/o.N.Kattahinadapalle E.Kottur, Irala Mandal Chittoor District.
2 V.Venkata Prasad, S/o.Ramachandranaidu,
R/o.Gundlapalle village and post, T.Sundupalle Mandal Cuddapah Dist.
3 P.Rammohan Naidu, S/o.Sanjeevaiah, Naidu,
R/o.Ramnagar, Rajampet, Cuddapah Dist.
4 M.Venkataiah Naidu, S/o.Pitchaiah Naidu,
R/o.Cuddapah Main Road, Rajampet, Cuddapah Dist.

..... PETITIONERS

AND

1 The Principal Secretary, Endowments Department, Govt. of Andhra Pradesh, Secretariat, Hyderabad.
2 Smt.J.Vasanthamma, W/o.Natarajan, Hindu, 53 years,
3 Sri J.Natarajan, S/o.J.Rangabhashyam Reddy, Hindu, 56 years,
4 Sri J.Ramesh, S/o.J.Natarajan, Hindu, 27 years,
5 Sri. Murali, S/o.J.Natarajan, Hindu, 35 years,
6 Smt. J.Kalavathi, W/o.P.Venkateshwarly, Hindu, 33 years,
7 Sri J.Bhaskar, S/o.J.Natarajan, Hindu, 29 years,
8 Smt.J.Manjula, W/o.P.Muneemdra, Hindu, 31 years,
9 The Commissioner, Endowments Department, Tilak Road, Hyderabad.
10 Sri Swamy Hathiramjee Math, Tirupathi, rep.by its Mahanth &
Asst.Commissioner, Endowments Department, Tirupathi, Chittoor District.

Respondents 2 to 8 are R/0 Mangalam village, Chandragiri Manda, Chittor Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of certiorari more fully calling records of impugned proceedings R.P.No.36765/E2/2004 before Respondent No.1 by quashing the same as illegal arbitrary unconstitutional and being violation of the rules and regulation framed under the A.P. Charitable and Hindu religious institutions and Endowments Act 1987 and consequently stay all further proceedings in R.P. No. 36765/E2/2004 on

the file of Respondent No.1 pending the writ petition.

Counsel for the Petitioner: MR.P.JAGADISH CHANDRA PRASAD

Counsel for the Respondent Nos. 1 & 9 : GP FOR ENDOWMENTS

Counsel for the Respondent No. 10: Mr. V. Venugopal Rao.

The Court at the stage of admission made the following :

ORAL ORDER:

Heard. Perused the material placed before me.

A revision has been filed under Section 93 of The Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for brevity 'the Act), before the Government challenging the proceedings dated 1-10-1992, of the 9th respondent herein granting permission to the Assistant Commissioner of Endowments to alienate the lands in Sy. No. 205 to an extent of Ac.17.47 of Thimmanaidupalem village, in Chittor District, without the knowledge of the petitioners, as not maintainable. The petitioners are impleded parties in the revision petition before the first respondent-Revisional authority.

It is the contention of the learned counsel for the petitioners that revision under Section 93 of the Act is not maintainable. This aspect cannot be gone into by this Court at this stage. In fact, it is always open for the petitioners to raise the issue before the revisional authority as to whether the revision is maintainable or not. A perusal of the material papers filed along with this writ petition shows that the petitioners had raised such an objection. So, it is to the Revisional authority to decide that issue upon hearing both sides. If the Revisional authority, on hearing both sides, arrives at a conclusion that the revision is maintainable, then the same can be challenged in this Court, perhaps, by way of a revision petition. Having filed an implead petition and having raised an objection before the Revisional authority as regards the maintainability of the very revision, it is not open for the petitioners to take similar plea of maintainability, simultaneously, before this Court also.

For the aforesaid discussion, the writ petition does not merit any consideration and hence the same is liable to be dismissed.

Accordingly, the writ petition is dismissed at the stage of admission.

No costs.

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kvsn 10-03-2005

To

1 The Principal Secretary, Endowments Department, Govt. of Andhra Pradesh, Secretariat, Hyderabad.
2 The Commissioner, Endowments Department, Tilak Road, Hyderabad.

3 Two CCs to the GP for Endowments, High Court buildings, Hyderabad.

4 Two CD copies.